

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

EUGENE MCALLISTER,

Plaintiff,

ROBERT DEAN., et al.,

Defendants,

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No. 4:13CV2492 CEJ

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion to amend his complaint to show that he suffered "more than a de minimis injury." Plaintiff will be allowed to amend his complaint at this time. However, after reviewing the amended the complaint, pursuant to 28 U.S.C. § 1915, the Court will once again dismiss plaintiff's official capacity claims against defendant police officers Eddie Boyd and Robert Dean, because the amended complaint does not contain any allegations that a policy or custom of a municipality was responsible for the alleged violations of plaintiff's constitutional rights. *See Monell v. Department of Social Services*, 436 U.S. 658, 690-91 (1978).

Also before the Court is defendant Dean's motion for additional time to file a responsive pleading. That motion will be granted.


Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to amend the complaint [Doc. #14] is **granted**.

IT IS FURTHER ORDERED that plaintiff's official capacity claims against defendants Eddie Boyd and Robert Dean are **dismissed without prejudice**. *See* 28 U.S.C. § 1915(e)(2)(B).

IT IS FURTHER ORDERED that the motion of defendant Dean for an extension of time to file a responsive pleading [Doc. #17] is **granted**. The defendant shall have until **May 9, 2014** to file an answer or other responsive pleading.

Dated this 9th day of April, 2014.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE